

friend of Texas, fare-thee-well! “*Your body is buried in peace, but your name liveth evermore.*”

Associates, Senators and Representatives, let this practical lesson teach us *what we are*; that though

“We sit within the Halls of State,
Or mount the Monarch’s throne;
Our names are lauded to the skies,
Yet earth is not our home;
We soon must leave the joys of earth
To wither, droop, and die;
Our grandeur, titles, wealth and power,
Must in the *cold grave lie.*”

A committee from Austin Lodge No. 12, then appeared and took charge of the remains.

The Senate then withdrew to their chamber; and,

On motion of Mr. Reaves, adjourned till Monday morning ten o’clock.

MONDAY, December 29, 1851.

The Senate was called to order by the President pursuant to adjournment—prayer by the Rev. Mr. Smith—roll called—quorum present.

The journal of Saturday was read and adopted.

Mr. Bogart presented the petition of sundry citizens of the upper Trinity, praying that an appropriation be made to improve the Trinity river; referred to the committee on Internal Improvements.

Mr. Hart presented the petition of Charles A. Warfield; referred to the committee on Private Land Claims.

Mr. Reaves, chairman of the committee on Engrossed Bills, reported correctly engrossed the following bills, to wit:

A bill for the relief of the heirs of Richard Hall, deceased;

A bill for the relief of the heirs of Wesley Fisher, deceased;

A bill for the relief of George W. Parrish and Roswell Gorman: and

Joint resolution instructing our Senators and requesting our Representatives in Congress, concerning indemnity for losses by Indian depredations in the State of Texas.

Mr. Taylor, chairman of the committee on Private Land Claims, to which was referred the petition of William Ford, and of the heirs at law of James W. Taylor, reported them back to

the Senate and recommended that they be referred to the committee on the Judiciary.

Mr. Taylor, from the committee on Public Debt made the following report :

SENATE CHAMBER, December 28, 1851.

To J. W. HENDERSON,

President of the Senate :

The committee on Public Debt, to whom was referred a bill for the relief of John W. King, have maturely considered the same. They find from examination that the bill provides that the Auditorial board shall re-examine his, the said King's, claims against the late Republic of Texas, and if they find that the government received more than seventy cents on the dollar, the amount already acknowledged for the said claims, that they be authorized to issue to the said King a certificate for such additional sum as in equity he is entitled to. A majority of the committee are of the opinion that legislative action in the way of relief upon this, or any other like case, would be dangerous to the best interest of the State. First, because the people have acquiesced in the scaling system, and in accordance with these opinions the Senate has, with great unanimity, passed a bill confirming the Auditor and Comptroller's report, upon this as well as all other claims submitted to them ; and secondly, to grant the relief asked for in this case, would, in the opinion of your committee, set a precedent which would no doubt open the door for special legislation upon each and every case acted on and reported by the Auditorial board, the end of which none can well conceive.

To do sheer justice in all and every case connected with the indebtedness of the late Republic of Texas, is a thing not to be anticipated by the most sanguine. We believe that in the passage of the bill confirming and recognizing the Auditor and Comptroller's report to be the true indebtedness of the State upon those claims reported by them. We have done more for our creditors than any other government has ever done under like circumstances. It will be said by the minority of the committee, no doubt, that this is a hard case, and that it was so reported by the Auditor and Comptroller we admit ; but at the same time we believe that in the settlement of this great matter hard cases must and will arise. We are, therefore, of opinion that the best policy for the interest and welfare of the State is to adhere strenuously to what we, the Senate, have already done in the premises. I

am, therefore, instructed by a majority of the committee to recommend the rejection of the bill.

All of which is submitted.

M. D. K. TAYLOR, One of the committee.

Mr. Hill, from the same committee, gave notice that he would submit a counter report.

Mr. Bogart introduced a bill to amend an act to authorize and require the county courts to issue unconditional certificates in certain cases, approved September 5, 1850 ; read first time.

Mr. Reaves introduced a bill for the relief of James McWilliams ; read first time.

Mr. Bigelow introduced a bill to create the sixth Military district ; read first time.

Mr. Day introduced a bill for removing obstructions and improving the navigation of the rivers of this State ; read first time.

Mr. Grimes introduced a bill to provide for the levying of a road tax in the county of Montgomery.

Mr. Hill introduced a bill to authorize the county court of Limestone county to rent or lease the Springfield Bridge ; read first time.

Mr. Bigelow introduced a bill to amend the third section of an act to raise a revenue by direct taxation, approved 20th March, 1848 ; read first time.

Mr. Parker offered the following resolution :

Resolved, That the committee on Finance be instructed to consider of the propriety or practicability of appropriating the State tax to the several counties throughout the State for county purposes for two years, and report the result of their deliberations on this subject by bill or otherwise.

Mr. Bigelow offered the following resolution :

Resolved, That the Senate go into the election for President pro tem. of the Senate, on Tuesday the 30th instant, to fill the vacancy occasioned by the death of the Hon. Edward Burleson.

Mr. Gray offered the following resolution :

Resolved, That the sum of two hundred dollars of the Senate's contingent fund be appropriated for the purchase of a portrait of General Edward Burleson, taken by Mr. Flintoff the artist, to be preserved as the property of the State, and that the committee on Contingent Expenses be authorized to contract for the same and superintend its execution.

Mr. Wilson offered the following resolution :

Resolved, That the committee on Roads, Bridges and Ferries be requested to inquire into the propriety of so altering or amend-

ing the eleventh section of an act authorizing and requiring the county courts to regulate roads, appoint overseers, &c., approved March 15, 1848, as to make negligence on the part of overseers an indictable offence.

On motion of Mr. Eddy, the committee on Printing was requested to have printed at length and in suitable form, the proceedings and addresses on the occasion of the death and interment of the late General Edward Burson.

On motion of Mr. Armstrong, a bill to better define the limits of the Milam land district, and the report of the committee on Public Lands thereon, were taken from the table and placed among the orders of the day.

ORDERS OF THE DAY.

The following bills were severally read a third time and passed, to wit :

A bill for the relief of Geo. W. Parrish and Roswell Gorman ;

A bill for the relief of the heirs of Wesley Fisher, deceased ;

A bill for the relief of the heirs of Robert Hall, deceased ; and

Joint resolution instructing our Senators and requesting our Representatives in the Congress of the United States, to use their best exertions to have an appropriation made by the Congress of the United States, for payment of losses sustained by the citizens of this State by the depredations of different Indian tribes since our annexation to the United States.

A message was received from the House informing the Senate that the House had passed the following bills which originated in the Senate, viz :

A bill allowing assessors and collectors to employ deputies ; and

A bill for the relief of the heirs of Leeman Kelsey, deceased ;

A bill for the relief of the settlers in the territory commonly known as Mercer's colony ; read.

Mr. Dancy offered the following amendment to the end of first section :

" Provided that nothing contained in this act shall be so construed as to recognize any right of the contractors of said colony to any lands therein on account of said contracts or rights growing out of the same ;" adopted, and bill passed to third reading.

A bill providing for the liquidation and payment of the debt of the late Republic of Texas, together with the report of the Select committee, offering amendments thereto, was read.

Mr. Dancy moved that the amendments offered by the committee be printed ; lost.

The amendments offered by the committee were severally read and adopted.

Mr. Parker moved to adjourn until 3 o'clock p. m.

Mr. Dancy moved to adjourn until 10 o'clock to-morrow morning

The President decided the motion out of order, unless offered as an amendment to Mr. Parker's motion.

Mr. Dancy contended that it was out of order to amend a motion to adjourn, and appealed from the decision of the President.

The Senate sustained the decision of the President.

The question then recurred on Mr. Parker's motion, when by leave he withdrew it.

Mr. Gray offered the following amendments to the bill under consideration :

Amend in first section by striking out after the words "as follows," the first, second, third, fourth, fifth, sixth, seventh, eighth, eleventh and twelfth items."

In second section, strike out all after the word "thereof," in tenth line. In second section, second line, after the word "act," insert "at per centum premium."

On motion of Mr. Bigelow, the Senate adjourned until 3 o'clock p. m.

3 O'CLOCK, P. M.

Senate met—roll called—quorum present.

The amendments offered by Mr. Gray, to a bill providing for the liquidation and payment of the debt of the late Republic of Texas, being under consideration when the Senate adjourned, was taken up.

On motion of Mr. Gray, a call of the Senate was had.

The Senate being full, the yeas and nays were called on the adoption of the amendments, and were as follows :

YEAS—Messrs. Dancy, Davis, Eddy, Gray, Truit and Wilson—6.

NAYS—Messrs. Bigelow, Bogart, Burks, Day, Duggan, Grimes, Hart, Hill, Merriman, Parker, Reaves, Scott, Sterne, Taylor and Williams—15. Rejected.

Mr. Dancy offered the following amendment :

In section 3, strike out the words "and that this act be in force from its passage." And add,

"Section 4. This act shall not take effect until a majority of the electors of the State of Texas shall vote in favor of this act, and it is made the duty of the Governor to submit this act to the people on the first Monday in August, 1852, and require the chief justices of the different counties to make due returns of

the votes to the Secretary of State, by the second Monday in October, 1852."

On motion of Mr. Taylor, the amendment was laid on the table.

On motion of Mr. Dancy it was taken up.

The yeas and nays were then called on the adoption of the amendment, and it was rejected by the following vote.

YEAS—Messrs. Dancy and Truit—2.

NAYS—Messrs. Bigelow, Bogart, Burks, Davis, Day, Duggan, Eddy, Gray, Grimes, Hart, Hill, Merriman, Parker, Reaves, Scott, Sterne, Taylor, Williams and Wilson—19.

Mr. Dancy offered as a substitute for the bill :

A bill to dispose of the five millions of stock received by Texas, for relinquishing her claim to her northwestern territory to the United States ; rejected by the following vote :

YEAS—Messrs. Dancy, Truit and Wilson—3.

NAYS—Messrs. Bigelow, Bogart, Burks, Davis, Day, Duggan, Eddy, Gray, Grimes, Hart, Hill, Merriman, Parker, Reaves, Scott, Sterne, Taylor and Williams—18.

Mr. Bigelow offered the following amendment :

Amend by inserting the words " third and fourth," in the sixth line of the first section after the word " articles," and before " 9th."

Upon which the yeas and nays were as follows :

YEAS—Messrs. Bigelow, Bogart, Duggan, Hart, Hill, Parker, Truit, Williams and Wilson—9.

NAYS—Messrs. Burks, Dancy, Davis, Day, Eddy, Grimes, Merriman, Reaves, Scott, Sterne and Taylor—11. Rejected.

Mr. Dancy offered the following amendment :

In section 3, line sixth, add before " and that this act," " Provided, that no member of this Legislature shall receive any of the bonds appropriated by this bill."

Mr. Grimes moved the previous question ; carried.

The previous question being on the engrossment of the bill was put, and bill ordered to be engrossed by the following vote :

YEAS—Messrs. Bigelow, Bogart, Burks, Davis, Day, Duggan, Eddy, Grimes, Hart, Hill, Merriman, Parker, Reaves, Scott, Sterne, Taylor, Truit, Williams and Wilson—19.

NAYS—Messrs. Dancy and Gray—2.

A bill better defining the boundaries of Denton county, with the report of the committee on Counties and County Boundaries, offering amendments thereto, was read, report adopted, and bill passed.

On motion of Mr. Davis, a bill requiring the holders of the liabilities of the late Republic of Texas, for which the revenues

of the said late Republic were specially pledged, to file releases with the government of the United States, was taken up and placed among the orders of the day.

On motion of Mr. Wilson, the Senate adjourned until 10 o'clock to-morrow morning.

TUESDAY, December 30, 1851.

The Senate was called to order by the President pursuant to adjournment—prayer by the Rev. Mr. Baggerly—roll called—quorum present.

The journal of yesterday was read and adopted.

Mr. Reaves, chairman of the committee on Engrossed Bills, reported the following bills correctly engrossed, viz:

A bill providing for the liquidation and payment of the debt of the late Republic of Texas;

A bill to incorporate the Little Cypress Bridge company; and

A bill concerning writs of error.

Mr. Duggan, chairman of the committee on Enrolled Bills, reported a bill for the relief of Wesley W. Hanks; and

A bill for the relief of John A. Veatch, his heirs or assigns, assignee of Ramon Sanchez, correctly enrolled, and that the same were deposited on yesterday with the Governor for his approval.

Mr. Williams, chairman of the committee on Internal Improvements, to whom was referred a bill to incorporate the Sulphur Fork Bridge and Turnpike company, reported the same back to the Senate with the following amendments:

Strike out the words "bridge and," in caption.

Substitute for 3rd section as follows:

"Section 3. That said company shall within four years from the passage of this act, construct a good and substantial turnpike road across the low lands on the Sulphur fork of Red River at Epperson's Ferry, from the highland in the county of Bowie to the highland in the county of Cass, with bridges across the sloughs, the whole to be above ordinary overflows, with the privilege of keeping a ferry boat in, or constructing a bridge across the main stream; provided, said bridge shall be sufficiently high to admit the free passage of steamboats; and further provided, that no additional charge shall be made for ferriage at said main stream, or crossing a bridge."

Mr. Eddy, from the committee on Internal Improvements, re-